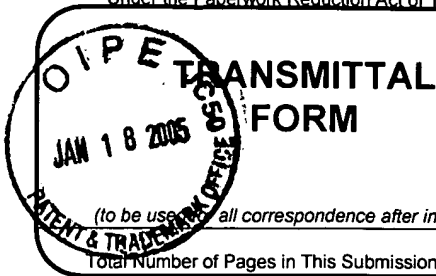


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Total Number of Pages in This Submission

Application Number	10/509,533
Filing Date	March 25, 2003
First Named Inventor	David J. Waxman
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	701586-52522

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Mailing; Copy of Limited Recognition; International Search Report; Supp. IDS; Refs.: A1-2, C1-46 and Return Receipt Postcard
<p><b>Remarks</b></p> <p>The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to the Nixon Peabody LLP Deposit Account No. 50-0850.</p>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Nixon Peabody LLP, 100 Summer Street, Boston, MA 02110-2131		
Signature			
Printed name	Ronald I. Eisenstein/Leena H. Karttunen		
Date	1/13/2005	Reg. No.	30,628/37 CFR 10.9(b)

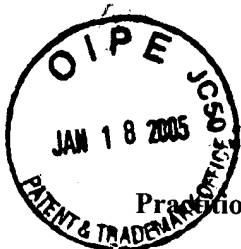
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Signature			
Typed or printed name	Debra J. Kellom	Date	January 13, 2005

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DT1500000 PCT/PTO 18 JAN 2005

Practitioner's Docket No. 701586-52522

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Waxman et al.

Application No.: 10/509,533 Group No.: To be assigned  
Filed: 03/25/2003 (IA Date) Examiner: To be assigned  
For: METHOD OF USING ANTI-APOPTOTIC FACTORS IN GENE  
EXPRESSION

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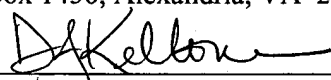
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Date: January 13, 2005

  
Debra J. Kellom

\*\*\*\*\*

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. §§1.56 and 1.97, Applicants herewith submit the publications and/or patents shown on the attached form PTO/SB/08b, for consideration by the Examiner in connection with the examination of the above-identified patent application.

I. REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- X (1) within three (3) months of the Filing Date or before the mailing date of the First Office Action on the merits; or
- (2) within three months of the mailing date of the PCT International Search Report; or
- (3) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and the requisite Certification or fee under Rule 1.17(p), namely \$180.00, is included herein; or

- (4) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached form(s) PTO-1449 be made of record in this application. Copies of these documents (CHECK ONE):


  X   are enclosed herewith; and  
— have been cited in the parent application, and are thus not being resubmitted herein.

Early examination and allowance of the present application are respectfully solicited.

#### **FEE AUTHORIZATION**

Should any fees associated with the submission be required, the Commissioner is authorized to charge the missing fee to our Deposit Account No. 50-0850. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,



Ronald I. Eisenstein (Reg. 30,628)  
Leena H. Karttunen (37 C.F.R. §10.9(b))  
NIXON PEABODY LLP  
100 Summer Street  
Boston, MA 02110  
(617) 345-6057

Date: January 13, 2005

PTO/SB/08A/B 08-03)  
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Substitute for form 1449 PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	5
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**Complete if Known**

<b>Application Number</b>	<b>10/509,533</b>
<b>Filing Date</b>	<b>March 25, 2003 (IA Date)</b>
<b>First Named Inventor</b>	<b>Waxman, et al</b>
<b>Art Unit</b>	<b>To be assigned</b>
<b>Examiner Name</b>	<b>To be assigned</b>
<b>Attorney Docket Number</b>	<b>701586-52522</b>

## U.S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

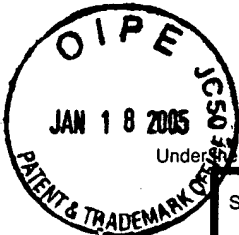
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Examiner Signature		Date Considered	
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet **2** of **5**

### Complete if Known

Application Number	10/509,533
Filing Date	March 25, 2003 (IA Date)
First Named Inventor	Waxman, et al
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	701586-52522

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	C2	Ashkenazi et al., J Clin Invest. 104:155-162 (1999)	
	C3	Beltinger, C., et al., Proc Natl Acad Sci U.S.A. 96:8699-8704 (1999)	
	C4	Blattner et al., Mol Cell Biol. 19:3704-3713 (1999)	
	C5	Chen, L., et al., Hum Gene Ther. 6:1467-1476 (1995)	
	C6	Chen, L. and Waxman, D. J., Cancer Research 55:581-589 (1995)	
	C7	Chen, L. and Waxman, Biochem Pharmacol. 47:1079-1087 (1994)	
	C8	Ferri and Kroemer, Nat Cell Biol. 3:E255-263 (2001)	
	C9	Findley et al., Blood. 89:2986-2993 (1997)	
	C10	Freeman, S., et al., Cancer Res. 53:5274-5283 (1993)	
	C11	Friesen et al., Nat Med. 2:574-577 (1996)	
	C12	Fulda et al., Cancer Res. 58:4453-4460 (1998)	
	C13	Gagandeep, S., et al., Cancer Gene Ther. 3:83-88 (1996)	
	C14	Green DR Nature. 1998 Dec 17;396(6712):629-30	
	C15	Ichikawa et al., Cancer Res. 61:864-868 (2001)	

Examiner  
Signature

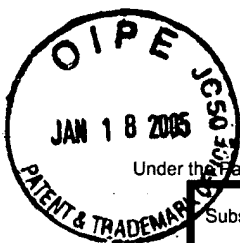
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		Application Number	10/509,533		
		Filing Date	March 25, 2003 (IA Date)		
		First Named Inventor	Waxman, et al		
		Art Unit	To be assigned		
		Examiner Name	To be assigned		
Sheet	3	of	5	Attorney Docket Number	701586-52522

C16	Kagawa <i>et al.</i> , <i>Cancer Res.</i> 60:1157-1161 (2000)	
C17	Kagawa <i>et al.</i> , <i>Cancer Res.</i> 61:3330-3338 (2001)	
C18	Klasa <i>et al.</i> , <i>Clin Cancer Res.</i> 6:2492-2500 (2000)	
C19	Lissy <i>et al.</i> , <i>Nature.</i> 407:642-645 (2000)	
C20	Marcelli <i>et al.</i> , <i>Cancer Res.</i> 59:382-390 (1999)	
C21	Meek, <i>Oncogene.</i> 18:7666-7675 (1999)	
C22	Mesri <i>et al.</i> , <i>J Clin Invest.</i> 108:981-990 (2001)	
C23	Micheau <i>et al.</i> , <i>J Biol Chem.</i> 274:7987-7992 (1999)	
C24	Mow <i>et al.</i> , <i>Curr Opin Oncol.</i> 13:453-462 (2001)	
C25	Muller <i>et al.</i> , <i>J Clin Invest.</i> 99:403-413 (1997)	
C26	Oltvai <i>et al.</i> , <i>Cell.</i> 74:609-619 (1993)	
C27	Ozols <i>et al.</i> , <i>Biochem Pharmacol.</i> 36:147-153 (1987)	
C28	Perego <i>et al.</i> , <i>Cancer Res.</i> 56:556-562 (1996)	
C29	Petak and Houghton, <i>Pathol Oncol Res.</i> 7:95-106 (2001)	
C30	Petak <i>et al.</i> , <i>Cancer Res.</i> 60:2643-2650 (2000)	
C31	Piche <i>et al.</i> , <i>Cancer Res.</i> 58:2134-2140 (1998)	

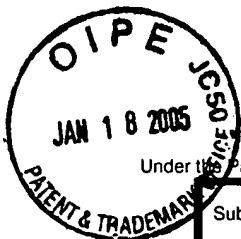
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		Application Number	10/509,533		
		Filing Date	March 25, 2003 (IA Date)		
		First Named Inventor	Waxman, et al		
		Art Unit	To be assigned		
		Examiner Name	To be assigned		
Sheet	4	of	5	Attorney Docket Number	701586-52522

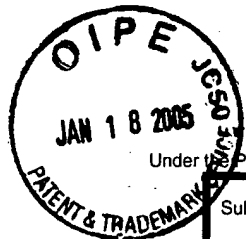
	C32	Pope, I. M., et al., Eur J Cancer 33:1005-1016 (1997)	
	C33	Reed JC J Natl Cancer Inst. 1999 Jul 7;91(13):1099-100	
	C34	Reed et al., Cancer Res. 50:6565-6570 (1990)	
	C35	Rich et al., Nature. 407:777-783 (2000)	
	C36	Rieger et al., FEBS Lett. 427:124-128 (1998)	
	C37	Schwartz and Waxman, Mol Pharmacol. 60:1268-1279 (2001)	
	C38	Seki et al., Cancer Chemother Pharmacol. 45:199-206 (2000)	
	C39	Sun et al., J Biol Chem. 274:5053-5060 (1999)	
	C40	Tillman et al., Clin Cancer Res. 5:425-430 (1999)	
	C41	Waters et al., J Clin Oncol. 18:1812-1823 (2000)	
	C42	Waxman et al., Drug Metab Rev. 31:503-522 (1999)	
	C43	Waxman, Cancer Res. 50:6449-6454 (1990)	
	C44	Wei, M. X., et al., Hum. Gene Ther. 5:969-978 (1994)	
	C45	Wu et al., Oncogene. 18:6411-6418 (1999)	
	C46	Yamabe et al., Gene Ther. 6:1952-1959 (1999)	
	C47	Ziegler et al., J Natl Cancer Inst. 89:1027-1036 (1997)	
Examiner Signature			Date Considered

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<b>Substitute for form 1449 PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/509,533
				Filing Date	March 25, 2003 (IA Date)
				First Named Inventor	Waxman, et al
				Art Unit	To be assigned
				Examiner Name	To be assigned
				Attorney Docket Number	701586-52522
Sheet	5	of	5		

Examiner Signature		Date Considered	
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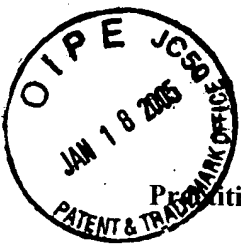
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Pratitioner's Docket No. 701586-52522

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Waxman et al.

Application No.: 10/509,533                      Group No.: To be assigned  
Filed: 03/25/2003 (IA Date)                      Examiner: To be assigned  
For: METHOD OF USING ANTI-APOPTOTIC FACTORS IN GENE  
EXPRESSION

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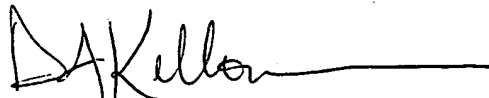
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Debra J. Kellom



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UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Leena H. Karttunen is hereby given limited recognition under 37 CFR § 10.9(b), as an employee of the law firm of Nixon Peabody LLP, to prepare and prosecute patent applications wherein the patent applicant is a client of the law firm of Nixon Peabody LLP, and a registered practitioner, who is a member of the law firm of Nixon Peabody LLP, is the practitioner of record in the applications. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Leena H. Karttunen ceases to lawfully reside in the United States, (ii) Leena H. Karttunen's employment with the law firm of Nixon Peabody LLP, ceases or is terminated, or (iii) Leena H. Karttunen ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such limited recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: June 14, 2005**

Harry I. Moatz  
Director of Enrollment and Discipline